



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF CORRECTIONS  
LANSING

DANIEL H. HEYNS  
DIRECTOR

**DIRECTOR'S OFFICE MEMORANDUM 2011 - 20**

**EFFECTIVE:** Immediately

**DATE:** July 28, 2011

**TO:** Executive Policy Team  
Administrative Management Team  
Wardens

**FROM:** Daniel H. Heyns, Director

**SUBJECT:** DNA Collection

Public Act 127 of 2011 has been signed by the Governor and takes immediate effect. The Act requires the Department to collect DNA samples from all prisoners, and from all probationers in the Special Alternative Incarceration Program (SAI), who have not previously provided a valid sample. (This does not include offenders assigned to custodial supervision under the Holmes Youthful Trainee Act.) The samples are required to be collected as follows:

1. For those prisoners serving a sentence in a Department correctional facility on June 1, 2011, the sample is required to be collected by January 1, 2012.
2. For those prisoners paroling or discharging before January 1, 2012, the sample is required to be collected prior to release. SAI probationers being released before January 1, 2012, also shall have the sample collected prior to release.
3. For those prisoners and SAI probationers received after June 1, 2011, the sample is required to be taken within 90 calendar days after commitment to the Department's jurisdiction.

The Act also requires the Department to collect the DNA sample even if the prisoner or SAI probationer refuses to provide the sample. The DNA Sample - Collection Record (CHJ-269) shall continue to be used to document a prisoner's compliance with or refusal to provide the sample; it also shall be used for SAI probationers. If a prisoner or SAI probationer refuses to allow health care staff to collect the sample, the Warden shall ensure custody staff are available to assist in collecting the sample. Only reasonable force consistent with the requirements set forth in PD 04.05.110 "Use of Force" is to be used to collect the sample. The Warden shall ensure that the Records Administrator, Central Records Section in the Operations Division, Correctional Facilities Administration (CFA), is notified whenever there is a need to use force to collect a sample; the Records Administrator shall notify the Michigan State Police.

Due to these new requirements, DNA samples will no longer be collected at the annual health care screening as set forth in PD 03.04.100 "Health Care Services". Instead, samples will be collected from newly committed prisoners by health care staff as part of intake processing at reception facilities. For SAI probationers, the sample will be collected by health care staff during the first 14 calendar days after intake. Samples are required to be collected only if a valid sample was not previously collected from the prisoner or SAI probationer.

Wardens shall continue to confirm that a valid DNA sample has been collected prior to a prisoner's discharge or parole. For SAI probationers, it shall be confirmed that a sample has been collected prior to the probationer's completion of or termination from SAI. If for any reason a valid sample was not collected, it shall be collected from the prisoner or probationer prior to release. If force is needed to collect a sample from a prisoner being paroled, the Warden or designee is to immediately notify the Parole Board of the refusal so the Board may determine whether parole should be suspended. The Parole Board shall notify the Warden or designee of its determination prior to the prisoner's proposed parole release date. The Warden shall ensure that the Parole Board is notified if the sample is subsequently taken.

The CFA Deputy Director shall ensure that procedures are issued to implement the requirements set forth in this Director's Office Memorandum and the Act. The procedures shall require that the DNA samples of prisoners serving a sentence in a Department correctional facility on June 1, 2011 are collected sufficiently prior to the statutory deadline to allow for any unforeseen delays in collecting the sample. This requirement also applies to prisoners received after June 1 who are no longer housed at a reception facility.

DHH/OLA